



REFULZ

Application: 20220813

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND

To: **Mr Edris Barbers**
C/O Mrs Shanon Alexander, Barron Edwards Ltd
Whitehall Place
47 The Terrace
Gravesend
DA12 2DL
Undefined

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED TO PERMIT** development of land situate at:

Prince Albert
26 Wrotham Road
Gravesend
Kent
DA11 0PW

and being **Application for continued use as a Public House and Restaurant with the creation of an ancillary Shisha Area**

Your application dated 25th July 2022 is refused on the following grounds:-

1. The proposed change of use of the beer garden into a shisha area will materially impact the amenity of adjoining neighbours by virtue of unacceptable levels of noise and disturbance as well as fugitive odours. The unsubstantial structure will shelter users in all weather conditions enabling year-round use, but cannot achieve adequate sound proofing or smoke and odour control to mitigate noise nuisance and fugitive smoke and odour emissions whilst meeting Smoke free regulations which require an open air structure. Therefore, the development fails to provide adequate mitigation to safeguard neighbour amenity, and is contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 National Planning Policy Framework (2021).
2. The structures are disproportionate in scale and poorly designed additions within the smoking area, which appear as a ramshackle quality and of incongruous design due to differing roof forms and poor quality external finishes in a prominent position visible from the street. As such, the development has a detrimental impact on the character and appearance of the street scene, fails to preserve or enhance the quality of the host building or the Conservation Area setting. Therefore, the development fails statutory test s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy (2014), saved policies TC2 and TC3 of the Gravesham Local Plan First Review (1994), as well as Sections 12 and 16 of the National Planning Policy Framework (2021).

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

- o Application Form (dated 22/07/2022);
- o Supplementary Information - Planning and Heritage Statement (dated 22/07/2022);
- o Drawing no. 001 - Rev. A - Site Location and Existing and Proposed Block Plans;
- o Drawing no. 002 - Rev. A - Existing Floor Plans;
- o Drawing no. 003 - Rev. A - Existing Elevations;
- o Drawing no. 004 - Rev. A - Proposed Floor Plans;
- o Drawing no. 005 - Rev. A - Proposed Elevations.

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

Dated: 29 September 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.